

CITY OF WHEELER, OREGON ZONING ORDINANCE

ARTICLE 14: VARIANCES

Section 14.010. Intent.

The purpose of the variance article is to allow for the granting of a Variance Permit from specified site-development requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict interpretation of the ordinance's site development requirements would cause undue or unnecessary hardship. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity or otherwise achieve the purpose of this ordinance.

Section 14.020. Conditions for Granting a Variance.

No variance shall be granted by the Planning Commission unless it can be shown that all of the following conditions exist:

1. Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.
2. The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purposes of the ordinance, the comprehensive plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city policy.
4. The variance request is the minimum variance which would alleviate the hardship.

Section 14.030. Application.

A request for a variance may be initiated by a property owner, or his authorized agent, by filing an application with the City Recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The City Recorder may request other drawings or materials essential to an understanding of the proposed use and its relationship to surrounding properties.

Section 14.040. Time Limit.

Authorization of a variance shall be void after one year unless substantial construction has taken place. Upon request, the Planning Commission may grant a six month extension.